

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT5-17-D. Emergency Temporary Restraining Orders

1. **AUTHORITY.** Pursuant to the Federal Insecticide, Fungicide and Rodenticide Act, including section 16(c), to refer requests for emergency temporary restraining orders to the U.S. Department of Justice and the appropriate United States Attorney.
2. **TO WHOM DELEGATED.** Director, Enforcement and Compliance Assurance Division.
3. **LIMITATIONS.**
  - a. Any person exercising this authority must obtain the advance concurrence of the regional counsel or designee on the legal sufficiency of the referral before exercising this authority. The RC may waive concurrence in writing.
  - b. Any person exercising this authority must notify the assistant administrator for the Office of Enforcement and Compliance Assurance before exercising this authority. The AA for OECA may waive the requirement for notification in writing.
4. **REDELEGATION AUTHORITY.**
  - a. This authority may be redelegated to the branch chief level, or equivalent, and no further.
  - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
  - a. Memorandum of Understanding between the U.S. Environmental Protection Agency and the U.S. DOJ, June 1977, 42 Federal Register 48,942 (1977).
  - b. For referral of other civil actions under FIFRA, see the Chapter 5 delegation entitled "Civil Judicial Enforcement Actions, Including Collection Actions."

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Debra H. Thomas  
Acting Regional Administrator

APR 29 2019

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Date